



Ohio Administrative Code Rule 3775-16-08 Advertising.

Effective: October 15, 2022

(A) All sports gaming advertisements must:

(1) Clearly convey the conditions under which sports gaming is being offered, including information about the cost to participate and the nature of any promotions and information to assist patrons in understanding the odds of winning. Any material conditions or limiting factors must be clearly and conspicuously specified. If an advertisement is not of sufficient size or duration to permit inclusion of such information, that advertisement shall refer to a website or application that does prominently include such information within one click;

(2) Disclose the identity of the sports gaming proprietor, mobile management services provider, or management services provider, as applicable; and

(3) Clearly and conspicuously include messages designed to prevent problem gambling and provide information about how to access resources related to problem gambling, including one of the following:

(a) The national council on problem gambling's twenty-four hour confidential helpline;

(b) The problem gambling helpline number established under section 3772.062 of the Revised Code;
or

(c) Another helpline approved by the executive director that is free of charge to the caller.

(B) Sports gaming advertisements must not:

(1) Depict any individual under the age of twenty-one, except live footage or images of athletes in sporting events on which sports gaming is permitted. Any individual under the age of twenty-one may not be depicted in any way that may be construed as the underage individual participating in or



endorsing sports gaming;

(2) Target individuals under the age of twenty-one, other individuals who are ineligible to participate in sports gaming, individuals with gambling problems, or other vulnerable individuals;

(3) Obscure any material fact;

(4) Be false, deceptive, or misleading; or

(5) Promote irresponsible or excessive participation in sports gaming, or suggest that social, financial, or personal success is guaranteed by engaging in sports gaming.

(C) Each direct advertisement, or an advertisement disseminated to a specific individual or individuals, must clearly and conspicuously describe a method by which an individual may opt out of receiving future advertisements. If the direct advertisement is sent via electronic mail, the described opt out method must include either electronic mail or a linked online website. All other direct advertisements must include at least one of the following methods to opt out:

(1) Telephone;

(2) Regular U.S. mail;

(3) Online website or mobile application; or

(4) Electronic mail.

(D) A sports gaming proprietor must act upon a request for opt out pursuant to paragraph (C) of this rule within fifteen days of receipt to ensure the individual will no longer receive advertisements.

(E) A sports gaming proprietor must not advertise or promote on college or university campuses located in the state of Ohio except for generally available advertising, including television, radio, and digital advertising. Any advertisement shown to be targeting the area of a college or university campus is not generally available and will be a violation of this paragraph.



(F) Sports gaming advertisements, including logos, trademarks, or brands must not be used, or licensed for use, on products, clothing, toys, games, or game equipment intended primarily for persons under twenty-one years of age.

(G) A sports gaming proprietor must cease the dissemination of an advertisement upon discovery that the advertisement fails to continue to comply with this rule or if required by the executive director because the advertisement fails to comply with chapter 3775 of the Revised Code, or the rules adopted thereunder, or otherwise undermines the integrity of sports gaming.

(H) Sports gaming advertisements can only be disseminated in Ohio for sports gaming proprietor applicants or licensees, unless the advertisement disclaims that the offerings are not available in Ohio or otherwise makes clear that the offerings are not intended for use in Ohio.

(I) Affiliate marketers need not obtain a supplier license under Ohio Adm.Code 3775-4-08 solely as a result of their conduct as an affiliate marketer but must comply with all aspects of this rule and must not otherwise advertise forms of illegal gambling or gaming in Ohio. The commission may require a sports gaming proprietor to terminate an affiliate marketer contract if the affiliate marketer has violated Chapter 3775. of the Revised Code or the rules adopted thereunder.